



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

November 10, 2004

SUBJECT: **2004-0694 – Nextel Communications** [Applicant] **Pacific Bell** [Owner]: Application on a 18,240 square foot site located at **1188 West Evelyn Avenue** in an M-S (Industrial & Service) Zoning District. (APN: 161-31-025) AM:

Motion Use permit to allow twelve roof-mounted antennas and a 284 square-foot ground equipment shelter

REPORT IN BRIEF

Existing Site Pacific Bell service building

Conditions

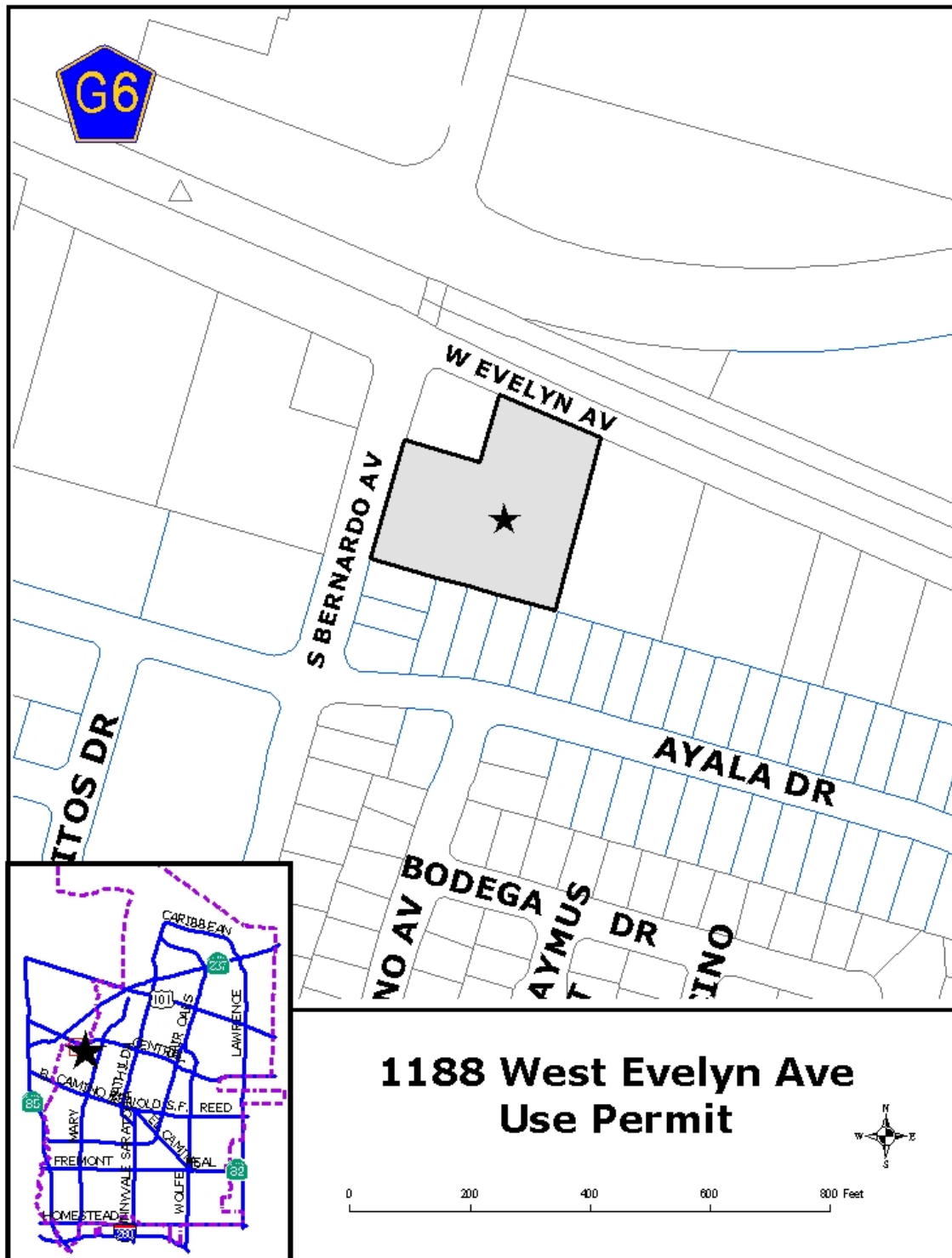
Surrounding Land Uses

| | |
|-------|-------------------------------------|
| North | Industrial |
| South | Multi-family residential apartments |
| East | Industrial |
| West | Commercial (City of Mountain View) |

Issues Visual impact of antennas

Environmental Status A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve with Conditions



PROJECT DATA TABLE

| | <u>EXISTING</u> | <u>PROPOSED</u> | <u>REQUIRED/ PERMITTED</u> |
|---|-------------------------|------------------------|--|
| General Plan | Industrial | Same | Industrial |
| Zoning District | M-S | Same | M-S |
| Lot Size (s.f.) | 2.0 acre 87,120 s.f. | Same | 20,000 s.f. |
| Gross Floor Area (s.f.) of equipment enclosure | 0 | 284 s.f. | N/A |
| Height of Proposed Antennas as measured from rooftop | N/A | 7 ft. | 15 ft. max with Minor Use Permit |
| Setbacks of equipment enclosure (facing prop.) | | | |
| • Front | N/A | 158'0" | 25'0" |
| • Left Side | N/A | 2'6" | 0'0" |
| • Right Side | N/A | 275'0" | 20'0" |
| • Rear | N/A | 90'0" | None |
| Setbacks of antennas (facing prop.) | | | |
| • Front | N/A | 100'0" | 25'0" |
| • Left Side | N/A | 12'0" | 0'0" |
| • Right Side | N/A | 247'0" | 20'0" |
| • Rear | N/A | 136'0" | None |
| Parking | | | |
| • Total No. of Spaces at Main Building | 148 | 144 | 100 |

ANALYSIS

Description of Proposed Project

The site is currently being used by Pacific Bell for their standard telephone operations. The main existing structure is a two-story building on the left side of the property upon which the proposed antennas will be located. The remaining property is used for auto parking and vehicle storage. The proposed Nextel shelter will be adjacent to the building and will remove 4 parking spaces.

The proposed twelve antennas will be attached to a new revised equipment screen on the roof. The existing screen is 3'4" above the parapet and the new screen will be 7'0" above the parapet. That will allow the antennas to be mounted on the side of the screen without projecting above the equipment screen. Each antenna will be mounted to the outside of the new, taller screen wall and will be painted and textured to match the existing screen wall.

The associated equipment will be placed at the bottom of the building in a new equipment enclosure. This enclosure will be 284 sq. ft. and will be 10'0" tall. A small GPS antenna will be mounted on the equipment shelter.

Background

The following table summarizes previous planning applications related to the subject site.

| File Number | Brief Description | Hearing and Decision | Date |
|--------------------|--|--------------------------------------|-------------|
| 1995-0401 | Use Permit to allow the expansion of an existing motor vehicle/maintenance facility. | Administrative Hearing Approved | 11/29/95 |
| 1987-0424 | Use Permit to allow waiver of screening for new roof equipment for one-story building. | Administrative Hearing Approved | 10/7/87 |
| 1987-0107 | Design Permit to remove an existing office building and allow a new two-story office building. | Planning Commission Hearing Approved | 4/29/87 |

| File Number | Brief Description | Hearing and Decision | Date |
|--------------------|---|---|-------------|
| 1987-0461 | Variance to allow a zero foot building setback and landscaping reductions | Planning Commission Hearing Approved except one landscaping variance | 4/29/87 |

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemptions include minor alterations to existing facilities.

Use Permit

Use: This communication facility will provide wireless telecommunications services for Nextel Communications. This site is one of a network of transmit/receive facilities that carry signals between users on the network. This facility will be serviced by a technician on an as-needed basis, which is typically once per month. The use meets the requirements of the Federal Communications Commission for radio frequency emissions.

Site Layout: The two-story building, which consists of parking on the ground level and office space on the second level, includes a roof screen wall which currently extends to 29'6 1/2" above the ground. The building has a zero foot setback to the left property line. The property is adjacent to Evelyn Avenue behind a 7' fence. The building and antennas are visible from the street (see Attachment 4, Photo Simulations).

Staff was concerned about the visual impact of the antennas on Evelyn, CalTrain and Central Expressway. As a result, the antenna design was amended, as described below.

Description of Antennas: The entire screen wall is proposed to be raised to 33'2 1/2" above the ground or 3'8" higher than the existing screen wall. This increase in height will allow the antennas to be mounted on the outside of the screen wall without extending above the top. The antennas will be textured and painted to match the screen wall.

The original application proposed post mounting the antennas above the existing screen wall to a height of 10'4" above the roof. After working with staff, the proposal has been reduced to 7'0" above the roof with antennas mounted to the higher screen wall. The antennas need to be above the rooftop

in order to transmit the signal and this height provides the applicant with the minimum height necessary. Also, staff prefers extending the entire screen wall in order to reduce the visual impact of the project.

Ground Equipment and Landscaping: The equipment shelter will be placed behind the building, well away from Evelyn Avenue. All equipment will be placed inside the shelter, except a small GPS antenna, which will be mounted to the top of the shelter. The shelter will be 2'6" from the side property line, immediately adjacent to an existing tree. Staff is concerned about the continued health of the tree which will be between an existing wall and the proposed shelter. Staff recommends the shelter be moved at least 7'6" from the property line in order for the tree and landscaping to be maintained.

Parking/Circulation: The shelter will take up 4 parking spaces behind the building. There are 148 parking spaces on the property, therefore, the existing site has more parking than required and the reduction is not expected to be a hardship for the site.

Compliance with Development Standards and Expected Impact on the Surroundings

The following are sections of the Sunnyvale Municipal Code 19.54 that apply to the proposal:

19.54.040(a)- *Based on aesthetic impact, the order of preference for facility type is: façade mounted, roof mounted, ground mounted and freestanding tower.*

19.54.040(b)- *All facilities shall be designed to minimize the visual impact to the greatest extent feasible, considering technological requirements, by means of placement, screening, and camouflage, to be compatible with existing architectural elements and building materials, and other site characteristics. The applicant shall use the smallest and least visible antennas possible to accomplish the owner/operator's coverage objectives.*

19.54.040(f)- *Façade mounted equipment shall be camouflaged by incorporating the antenna into the dominant design elements of the building; they shall be painted and textured to match the existing structure, and shall not project beyond a maximum of eighteen inches from the face of the building or other support structure unless allowed by a minor use permit.*

19.54.040(i)- *Where appropriate, facilities shall be installed so as to maintain and enhance existing landscaping on the site, including trees, foliage and shrubs, whether or not utilized for screening. Additional landscaping shall be*

planted where such vegetation is deemed necessary to provide screening or to minimize the visual impact of the facility.

This project has been designed to minimize visual impact and utilize existing infrastructure for antenna location. The proposed project meets the intent of the Telecommunications Ordinance. The only impact to surrounding areas would be the visual effect of the additional antennas and higher roof screen, which have been revised in order to reduce that impact. Also, staff recommends moving the ground shelter 5'0" further from the left property wall in order to maintain the tree and landscaping between the wall and the proposed shelter.

Findings, General Plan Goals and Conditions of Approval

The application as currently proposed reduces the visual impacts of the project. Staff was able to make the required Findings based on the justifications for the Use Permit.

- Findings and General Plan Goals are located in Attachment 1.
- Conditions of Approval are located in Attachment 2.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

| Notice of Negative Declaration and Public Hearing | Staff Report | Agenda |
|--|---|--|
| <ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 65 notices mailed to the adjacent property owners and residents of the project site | <ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library | <ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial |

Alternatives

1. Approve the Use Permit with attached conditions.
2. Approve the Use Permit with modified conditions.
3. Deny the Use Permit.

Recommendation

Alternative 1.

Prepared by:

Andrew Miner
Project Planner

Reviewed by:

Diana O'Dell
Senior Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Photo Simulations
- E. Letter from the Applicant

Findings - Use Permit

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale. The Wireless Telecommunications Policy promotes retention of local zoning authority when reviewing telecommunications facilities. The zoning code requires that the location of telecommunication facilities be designed with sensitivity to the surrounding areas. The proposed facility is compliant with all wireless telecommunication development standards:
 - The project meets all FCC RF emissions standards.
 - The project is over 150'0" away from the nearest residential property, and the antennas are screened to match the building.
 - The antennas have been designed to blend in with the building so they are not readily visible from any major arterial streets, freeways or expressways.
 - The project is not visible from the Downtown Specific Plan area of other areas identified in the Telecommunications code as being sensitive.
 - The proposed ground equipment will be located behind the building and will be enclosed in a shelter to reduce the appearance.

Telecommunications Policy

Action Statement A.1.e- Support retention of local zoning authority for cellular towers, satellite dish antennas, and other telecommunications equipment, facilities and structures.

The zoning code requires that the location of telecommunication facilities be designed with sensitivity to the surrounding areas. The proposed antennas will be attached to an enlarged roof screen and the appearance is minimized to reduce visual impact on surrounding properties.

Land Use and Transportation Sub-Element

N1.3. Promote an attractive and functional commercial environment.

N1.5 Establish and monitor standards for community appearance and property maintenance.

The project proposal uses existing infrastructure to add additional telecommunications service in the city. The location of the building and the design of the proposed antennas mitigate visual impacts in order to maintain community appearance. The addition of this antenna facility

provides for managed development of wireless telecommunications infrastructure, which is a goal of the Telecommunications Ordinance.

2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District as the proposed telecommunication facilities are located on an existing building and will not create a significant visual impact from Evelyn Avenue, CalTrain nor Central Expressway. The proposed project meets the visual standards established by the City for telecommunication facilities as it is designed to create the least possible aesthetic impact while using existing infrastructure.

Conditions of Approval - Use Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions, the Permittee expressly accepts and agrees to comply with the following Conditions of Approval for this Permit.

1. Project-Specific Conditions

- a. Obtain Building Permits prior to construction/installation activity.
- b. Any major modification or expansion of the approved use shall be approved at a separate public hearing by the Director of Community Development. Minor modifications shall be approved by the Director of Community Development.
- c. If not exercised, this Use Permit shall expire two years after the date of approval by the final review authority.
- d. The proposed roof screen and antennas shall match the color of the existing building.
- e. Relocate the equipment shelter at least 7'6" away from the left property line in order to allow the continued maintenance of the tree and landscaping.

2. Standard Requirements for Telecommunications Facilities

- a. Every owner or operator of a wireless telecommunication facility shall renew the facility permit at least every five years from the date of initial approval.
- b. Each facility must comply with any and all applicable regulations and standards promulgated or imposed by any state or federal agency, including, but not limited to, the Federal Communications Commission and the Federal Aviation Administration.
- c. Certification must be provided that the proposed facility will at all times comply with all applicable health requirements and standards pertaining to RF emissions.
- d. The owner or operator of any facility shall obtain and maintain current at all times a business license issued by the city.
- e. The owner or operator of any facility shall submit and maintain current at all times basic contact and site information on a form to be supplied by the city. Applicant shall notify city of any changes to the information submitted within thirty (30) days of any change, including change of the name or legal status of the owner or operator. This information shall include, but is not limited to the following:

1. Identity, including name, address and telephone number, and legal status of the owner of the facility including official identification numbers and FCC certification, and if different from the owner, the identity and legal status of the person or entity responsible for operating the facility.
 2. Name, address and telephone number of a local contact person for emergencies.
 3. Type of service provided.
- f. All facilities and related equipment, including lighting, fences, shields, cabinets, and poles, shall be maintained in good repair, free from trash, debris, litter and graffiti and other forms of vandalism, and any damage from any cause shall be repaired as soon as reasonably possible so as to minimize occurrences of dangerous conditions or visual blight. Graffiti shall be removed from any facility or equipment as soon as practicable, and in no instance more than forty-eight (48) hours from the time of notification by the city.
- g. Each facility shall be operated in such a manner so as to minimize any possible disruption caused by noise. Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 10:00 p.m. and 7:00 a.m. on weekday nights. At no time shall equipment noise from any source exceed an exterior noise level of 60 dB at the property line.
- h. Each owner or operator of a facility shall routinely and regularly inspect each site to ensure compliance with the standards set forth in the Telecommunications Ordinance.
- i. The wireless telecommunication facility provider shall defend, indemnify, and hold harmless the city or any of its boards, commissions, agents, officers, and employees from any claim, action or proceeding against the city, its boards, commission, agents, officers, or employees to attack, set aside, void, or annul, the approval of the project when such claim or action is brought within the time period provided for in applicable state and/or local statutes. The city shall promptly notify the provider(s) of any such claim, action or proceeding. The city shall have the option of coordinating in the defense. Nothing contained in this stipulation shall prohibit the city from participating in a defense of any claim, action, or proceeding if the city bears its own attorney's fees and costs, and the city defends the action in good faith.
- j. Facility lessors shall be strictly liable for any and all sudden and accidental pollution and gradual pollution resulting from their use within the city. This liability shall include cleanup, intentional injury or damage to persons or property. Additionally, lessors shall be responsible for any sanctions, fines, or other monetary costs imposed as a result of the

release of pollutants from their operations. Pollutants means any solid, liquid, gaseous or thermal irritant or contaminant, including smoke, vapor, soot, fumes, acids, alkalis, chemicals, electromagnetic waves and waste. Waste includes materials to be recycled, reconditioned or reclaimed.

- k. Wireless telecommunication facility operators shall be strictly liable for interference caused by their facilities with city communication systems. The operator shall be responsible for all labor and equipment costs for determining the source of the interference, all costs associated with eliminating the interference, (including but not limited to filtering, installing cavities, installing directional antennas, powering down systems, and engineering analysis), and all costs arising from third party claims against the city attributable to the interference.
- l. No wireless telecommunication facility shall be sited or operated in such a manner that is poses, either by itself or in combination with other such facilities, a potential threat to public health. To that end no facility or combination of faculties shall produce at any time power densities in any inhabited area that exceed the FCC's Maximum Permissible Exposure (MPE) limits for electric and magnetic field strength and power density for transmitters or any more restrictive standard subsequently adopted or promulgated by the city, county, the state of California, or the federal government.

SPECIALIZED MOBILE RADIO FACILITY

SITE NAME:

EAST MIDDLEFIELD

SITE NUMBER:

CA-2033A

[illegible]

| | |
|-----------------|--|
| DATE NAME | DATE INDEXED |
| PHONE NUMBER | CA-TOLLA |
| STREET ADDRESS | 1188 EAST 121 ST AVE SANTA CLARA COUNTY |
| OWNER | SEC 200 1000 SAGAMONTE, CA 95358 CONTACT: ALAN CAMPBELL |
| APPLICANT | INCL OF CALIFORNIA NATIONAL FIRE ARMS ASSOCIATION 1000 17 TH STREET, SUITE 200 MAYWOOD, ILL 60155 MARK LUTHELMAN TEL: 708/566-1631 |
| AP N | 161-31-025 |
| CONCURRENCE | CONCURRENCE: 105 |
| DATE OF CONSID. | DATE: 11/10/88 (FBI BANG) |

UNUSUAL REQUIREMENTS

PROJECT SUMMARY

CONSULTANT TEAM

VICINITY MAP

NO SCALE

DIRECTION FROM NEXT OFFICE

GO WEST ON SOUTH WISCONSIN BLVD TO CA-262 WEST, TAKE THE SOUTH I-80 RAMP TO SAN JOSE. TAKE THE CA-237 EAST. TURN RIGHT ONTO CA-237 WEST. TAKE CA-237 TO AQUINAH VIEW. TAKE THE WHISMAN RD. TURN SLOTT RIGHT ONTO FERRY HORSE WAY.

| SHEET NO. | DESCRIPTION |
|-----------|-------------------------|
| 01 | SEE WALL |
| 02 | SEE WALL |
| 03 | SEE RETAINING ELEVATION |
| 04 | SEE / ROAD PLAN |
| 05 | SEE ELEVATION |
| 06 | SEE ELEVATION |
| 07 | SEE ELEVATION |

SHEET INDEX

SHEET INDEX

1-800-368-7272

T-1

1st SUBMITAL

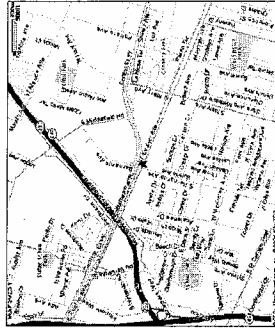
2nd SUBMITAL

COMPANY FOR NO

ATTACHMENT 6
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| | | | | | | |
|---|--|---|--|---|--|---|
| INITIAL POINT, INC. 140 LUTHER DRIVE GRASS VALLEY, CA 95946 PHONE (930) 417-3177 FAX (930) 417-4267 | Merck of California, Inc. d/b/a NESTLE 125 W. 4TH AVE GRASS VALLEY, CA 95946 PHONE (930) 417-3200 FAX (930) 417-3483 | CA 95937 "TASD" (TASD) "TASD" THREE EVIDENCE SUMMITVILLE, CA | | LAW APPROVAL AND DATES NAME: DATE: DATE: APPROVED BY: DATE: APPROVED BY: DATE: APPROVED BY: DATE: APPROVED BY: DATE: | PROJECT NO. CA-2652 GROWN BY CP EXCLUDED BY TO NO. DATE 05/04 | SHEET TITLE SITE SURVEY LOCAL DESCRIPTION SHEET NUMBER 1st SUBMITTAL DATE SUBMITTED 5-2 |
|---|--|---|--|---|--|---|



VICINITY MAP (N.T.S.)

LEGEND

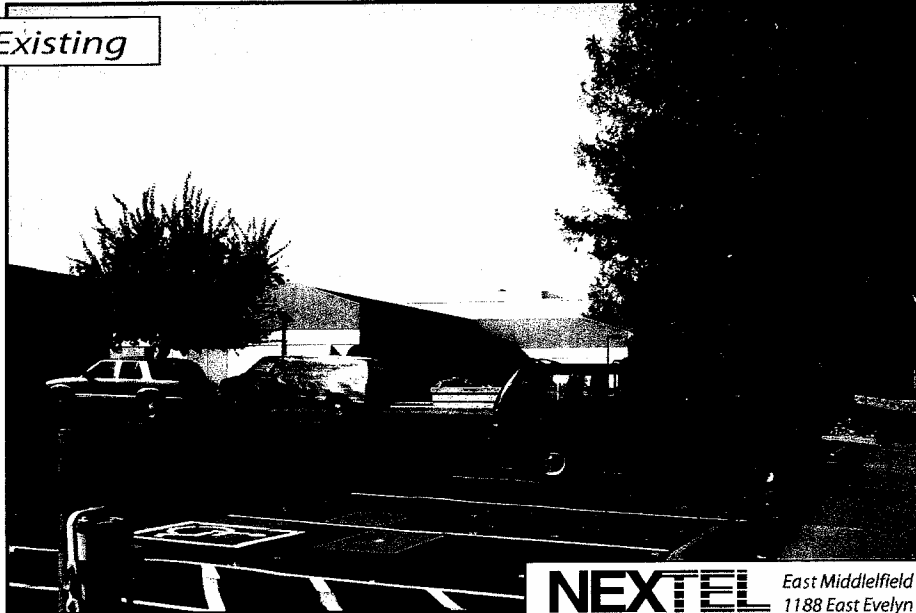
| | |
|---|------------------------------|
| — | TELEPHONE LINE |
| — | RELATIVE LINE |
| — | ELECTRIC AND TELEPHONE LINES |
| — | FENCE |
| — | FREE INTERVIEW |
| — | STREET LIGHT |
| — | STREET SIGN |
| — | WATER VALVE |
| — | FRESH SPRING |
| — | FLOW LINE |
| — | TOP OF CLAMP |
| — | OUTSIDE FACE OF CLAMP |
| — | TOP OF WALL |
| — | TOP OF ROOF |
| — | TOP OF CURB |

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Existing



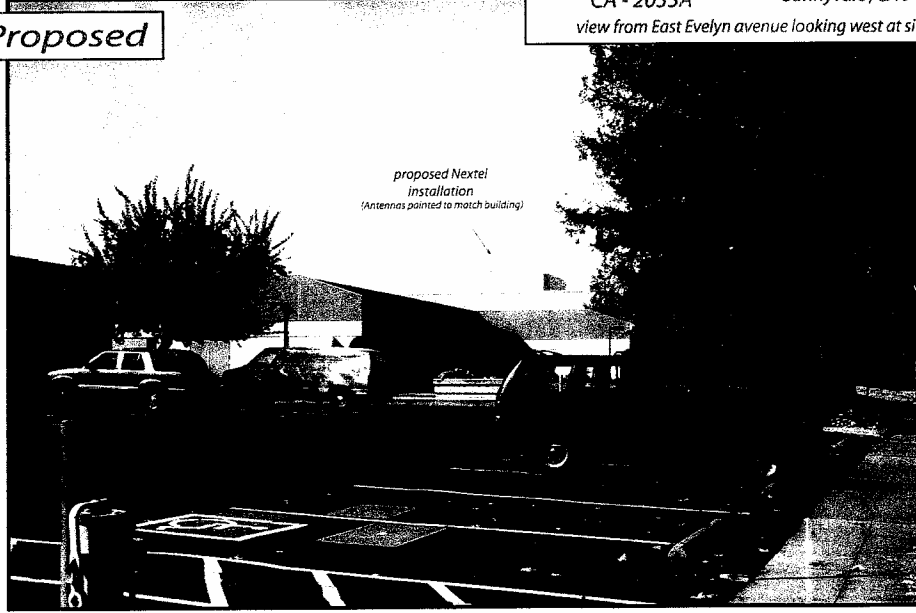
NEXTEL

East Middlefield
1188 East Evelyn Avenue
Sunnyvale, CA 94086

CA - 2033A

view from East Evelyn avenue looking west at site

Proposed

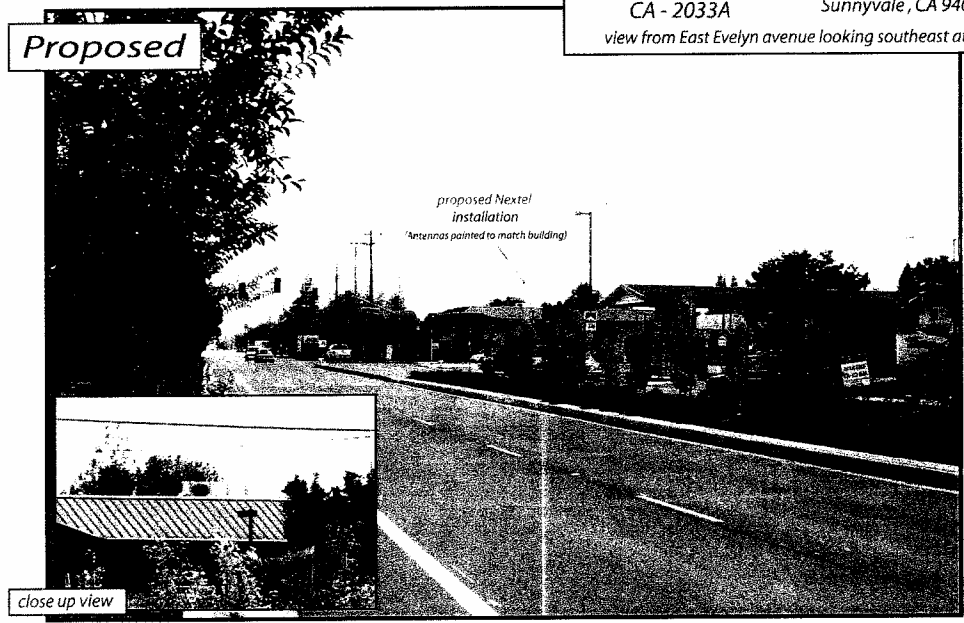


proposed Nextel
installation
(Antennas pointed to match building)

ADVISORY
NOT A CONTRACT
FOR THE PROPOSED
INSTALLATION



NEXTEL East Middlefield
1188 East Evelyn Avenue
CA - 2033A Sunnyvale, CA 94086
view from East Evelyn avenue looking southeast at site



ADDITIONAL
PHOTOGRAPHS
AVAILABLE

Existing



NEXTEL

East Middlefield
1188 East Evelyn Avenue
Sunnyvale, CA 94086

CA - 2033A

view from Apartment complex on Ayala Drive looking northeast site

Proposed





Tetra Tech Communication Services
1255 Treat Blvd. Suite 220
Walnut Creek, CA 94597
Main (925) 472-3540
Fax (925) 472-3550

ATTACHMENT 5
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Supplemental Application Information

(1) Pre Application Meeting

Tetra Tech Communications has met with the Sunnyvale Planning Department in August of 2004. Issues discussed were site location, zoning classifications and permitting requirements. The proposed site was considered favorable due to the surrounding conditions, the private access to the site, and favorable Industrial zoning. This proposal meets with the city's expectations and guidelines, and does not pose a significant impact to the existing conditions. This proposal is put forth in strict accordance with Nextel's FCC license requirements.

(2) Submittal Information

(i) Identity and Legal Status of the Applicant

Nextel Communications Corporation
DBA "Nextel of California"

(ii) Name Address and Telephone Number

Nextel of California
1255 Treat Boulevard
Suite 800
Walnut Creek, CA 94596
925/279-2300

(iii) Name, Address, Telephone # of Authorized Agent

Tetra Tech Communications Services, Inc.
1255 Treat Boulevard
Suite 220
Walnut Creek, CA 94596
Contact Representative: David Ney - ph.925/250-1498

(iv) Address, Parcel Map Description Lat/Long

1188 East Evelyn Avenue
Sunnyvale, Ca. 94086
A.P.N. # 161 - 31 - 025
37° 23' 05.58" N
122° 03' 05.00" W (NAD 83)



Tetra Tech Communication Services
1255 Treat Blvd. Suite 220
Walnut Creek, CA 94597
Main (925) 472-3540
Fax (925) 472-3550

(v.) Narrative of Future Sites (2005- year build plan)

The build out plan for Nextel Communications is determined by RF engineers who design the system to allow for the maximum blanketing coverage, while using the least amount of sites in the area. This limits the number of visual impacts in the area, and can minimize the expense of building the network, thus keeping the price of wireless services down, while quality of service remains good. The current 3rd generation network will require 2 sites within the city of Sunnyvale.

(vi.) Wireless communication services to be provided

Benefits to the Community:

Wireless technology can provide many benefits to the City of Sunnyvale residents and businesses. These benefits include:

- 1) Quick access to 911 emergency allowing motorists to summon emergency aid and report dangerous situations.
- 2) Support for emergency services by providing wireless communications access to paramedics, firefighters and law enforcement agencies that utilize this technology
- 3) The ability to transmit data over the airwaves allowing immediate access to information for emergency services
- 4) Communication capabilities in remote areas, enhancing the safety of travelers and residents by allowing immediate access to emergency services.
- 5) Provide quality wireless communication including voice, paging and digital data.
- 6) Enhance the communication services of those residents who conduct business and professional services for the City of Sunnyvale.

(vii.) California Public Utilities Commission

Nextel of California is registered with the CPUC under General Order 159A as:

- 1) Nextel of California, Incorporated
- 2) Nextel Communications

(viii.) Federal Communications Commission

Nextel Communications is registered with the Telecommunications Bureau as:

FCC License # WPOH392 *

Date of issuance: 06/17/98

*Site- specific FCC licenses are issued as each new site goes on –air.